IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5388 of 2007
Date of decision: 18.10.2007

Vijay Parkash and others **...Petitioners**

Versus

Kishori Lal and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. J.R.Mittal, Senior Advocate with
Mr. Kashmir Singh, Advocate for the petitioners.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order passed by the learned Court below whereby application filed by defendant no.2 for appointment of a new expert was accepted.

Learned counsel for the petitioners submitted that such an application could not be allowed as an earlier expert had already submitted his report and the same was on record and further that petitioners while filing the earlier application did not press the same. However, I do not find any merit in the contention raised. The need for appointment of second expert arose for the reason that the earlier expert appointed by the Court could not appear for cross examination after submission of report as he had permanently shifted to U.S.A. In my opinion, if under such circumstances, the Court had directed the appointment of second expert to compare the thumb impression, the same cannot be faulted with as in the absence of cross-examination of first expert, his report will not be considered in the evidence.

Accordingly, the revision petition is dismissed.

October 18, 2007 **(Rajesh Bindal)**
Pka **Judge**